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APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/650,852	10/650,852 08/29/2003		Katsuhiko Hieda	04329.3128	7406	
22852	22852 7590 10/25/2005				EXAMINER	
FINNEGAN, LLP	HENDE	RSON, FARAB	WOJCIECHOWICZ, EDWARD JOSEPH			
901 NEW YO	RK AVEN	VUE, NW	ART UNIT	PAPER NUMBER		
WASHINGTO	N. DC 2	20001-4413	2815			

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Tote MAILING DATE of this communication appears on the cover sheet with the correspondence address		Application No.	Applicant(s)						
Edward Viojciechowicz   2815									
Previol for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 30° FRI 1:30° in no event, however, may seeply the timely field of the SX (6) MONTH'S from the mailing date of this communication, or 30° FRI 1:30° in no event, however, may a reply the timely field of the SX (6) MONTH'S from the mailing date of this communication, and the same state of the communication, and the same state of the communication, seen and seed of the communication, and the same state of the communication, even if simely freed, may reduce any seamed patient the major state the mailing date of this communication, even if simely freed, may reduce any seamed patient the majorisation is seen and s	Office Action Summary	Examiner	Art Unit						
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatheristors of time may be available under the proxision of 3 OF R1.13(s). In no event, nowere, may a reply be timely liked after SIX (6) MONTHS from the maling date of this communication. If NO period or reply is appointed above, the machine actuatory period will apply and will expire SIX (6) MONTHS from the maling date of this communication. If NO period or reply is appointed above, the machine actuality of period will apply and will expire SIX (6) MONTHS from the maling date of this communication. Any reply received by the Office later than three months after the maling date of this communication, even if timely fixed, may reduce any seared patient term adjustment. See 37 CFR 1.704(s).  Status  1)☆ Responsive to communication(s) filled on 0.5 October 2005. 2a) ☐ This action is FINAL. 2b)☆ This action is non-final. 3] ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☆ Claim(s) 1.3-6 and 13-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)☐ Claim(s) is/are allowed. 6)☆ Claim(s) is/are allowed. 6)☆ Claim(s) is/are allowed. 6)☆ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to extriction and/or election requirement.  Application Papers  9) ☐ The drawing(s) filed on is/are: allowed. Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)☐ The orath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)☐ All b)	• •								
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Paper No(s)/Mail Date 1/195. 6) Other:	<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> </ol>	Paper No(s)/Mail D  5) D  Notice of Informal F	ate						

Application/Control Number: 10/650,852

Art Unit: 2815

## **DETAILED ACTION**

The after final amendment filed on 10-5-05 has been entered, however, the indicated allowability of claims 1, 3-6 and 13-23 is withdrawn in view of the newly discovered reference(s) to JP-09-283719.

Rejections based on the newly cited reference(s) follow.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-6 and 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5,392,232) in view of Matsuoka et al (6,621,110) and newly cited Japanese reference 09-283719. As stated in the previous action, Kim and Matsuoka teach the known combination of first electrodes arranged in a first direction, electrically connected to a plurality of transistors, where the first electrodes have a dielectric film covering the electrodes and a second electrode covering the dielectric film forming a capacitor structure.

The Japanese reference 09-283719 teaches a similar structure where an angle formed by a line parallel to the direction of the electrodes (19) and a line parallel to the direction of a bit line, is between 0 and 90 degrees, as claimed. See, for example, the structure shown in FIG. 13 of JP 09-283719, where first electrodes (19) appear to run at an acute angle to the direction of the bit line.

One skilled in the art would be motivated to combine these references in order to achieve a more efficient device density. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Wojciechowicz whose telephone number is 571-272-1739. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edward Wojciechowicz Primary Examiner Art Unit 2815

EW: ew